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REMARKS

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Claim Objections

Claim 11 has been amended to properly refer back to claim 10. No new subject matter has been added.

Claim Rejections – 35 USC § 112

Claims 1 – 29 are rejected under 35 USC 112(2) as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. All antecedent issues noted by the Examiner have been corrected in the claims. The Applicant believes this rejection is therefore overcome.

Claim Rejections – 35 USC § 103

Claims 1-7, 13-18, 21, 22, 29, 41, and 46 are rejected under 35 USC 103(a) as being unpatentable over Breton et al. in view of Tsai. The Applicant respectfully traverses this rejection for the following reasons.

Breton et al. describes an appearance determination system and illustrates this system in figure 1. A CCD camera 16 is connected to a controller 12 which is in turn connected to an illuminator assembly 14 and an output device 18. The controller 12 is in the form of a general purpose computer and includes a CPU (column 4, lines 63-65). It is clear that in the system described by Breton et al., a memory storage system for saving captured images, a display for displaying the captured images, and a CPU allowing interpretation and processing of appearance data are all provided in separate, external components within the system.

Therefore, Breton et al. fails to teach or suggest “a CPU internal to said device allowing interpretation and processing of said appearance data to determine appearance factors for said image”.

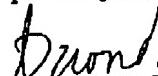
Tsai describes a hand held inspection device capable of illuminating, capturing an image of a subject, and displaying the image. Tsai does not, however, describe “a CPU internal to said device allowing interpretation and processing of said appearance data to determine appearance factors for said image”.

In order to establish a prima facie case of obviousness, the prior art references must teach or suggest all of the claim limitations. Given that Breton et al. and Tsai do not teach or suggest all elements of claim 1, a prima facie case of obviousness has not been presented. The Applicant respectfully requests that the rejection be withdrawn.

In view of the foregoing, the Applicant believes the present application to be patentable and early and favorable notice is earnestly solicited

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Respectfully submitted,



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June 6, 2007
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